

REMARKS

Claims 1-12 and 14-35 are presently pending in the application.

The Examiner has objected to the specification as beginning with the phrase "the invention relates to" This is incorrect. The Examiner is looking at the wrong abstract. The presently pending abstract in the substitute specification filed May 13, 2004 no longer contains this phrase. Therefore, the objection is moot, and reconsideration and withdrawal are respectfully requested.

The Examiner notes that several of the references listed in the European Search Report were not cited in the Information Disclosure Statement filed May 13, 2004, and copies of these foreign references were not provided. This was inadvertent, and applicants submit herewith a Supplemental Information Disclosure Statement and the required fee, citing the four omitted references and providing copies thereof. Consideration and citation of these references are respectfully requested.

The Examiner has rejected claims 1, 2, 5-12, 14, 15, 20, 21, and 28-30 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,790,294 of Marich. The Examiner has also rejected claims 1-6 and 23-25 under 35 U.S.C. § 102(b) as being anticipated by British Patent Specification GB 402,223. Finally, the Examiner has rejected claims 26 and 27 under 35 U.S.C. § 103(a) as being unpatentable in view of U.S. Patent No. 1,903,183 of Jessup (in view of the Examiner's comments regarding this rejection, it is believed that the Examiner meant to say "unpatentable over Marich in view of U.S. Patent No. 1,903,183 to Jessup").

While not necessarily agreeing with the Examiner's rejections or the arguments in support thereof, applicants have incorporated the subject matter of claim 13 into claim 1. Since claim 13 has not been included in any of these rejections, and has been indicated by the Examiner to be allowable (see paragraph 9 of the Office Action), these rejections are moot, and all of the rejected claims are now believed to be allowable for at least the same reasons as claim 13 was considered to be allowable. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.


In paragraph 9 of the Office Action the Examiner has objected to claims 13, 16-19 and 22 as being dependent upon a rejected base claim, but has indicated these claims to be allowable if

Application No. 10/630,011
Reply to Office Action of August 26, 2004

rewritten in independent form. As noted above, claim 13 has been rewritten in independent form by incorporation into claim 1. Claims 16-19 and 22 have been maintained in their original form as depending from amended claim 1 which now includes claim 13. Therefore, none of these claims depends from a rejected base claim. In addition, claim 19 has also been rewritten in independent form as new claim 31, and new dependent claim 32 corresponds to previous claim 22. Similarly, claims 16, 17, and 18 have also been rewritten in independent form as new claims 33, 34 and 35, respectively, by incorporating claims 1, 14 and 15 from which they depended. Accordingly, reconsideration and withdrawal of the objection is respectfully solicited.

In view of the above amendments and Remarks, it is submitted that all of the claims in the application are allowable. Reconsideration and withdrawal of the rejections and an early Notice of Allowance are respectfully solicited.

CORRESPONDENCE ADDRESS

November 24, 2004 By: 
(Date)
WILLIAM W. SCHWARZE
Registration No. 25,918
AKIN GUMP STRAUSS HAUER & FELD LLP
One Commerce Square
2005 Market Street, Suite 2200
Philadelphia, PA 19103-7013
Telephone: 215-965-1200
Direct Dial: 215-965-1270
Facsimile: 215-965-1210
E-Mail: wschwarze@akingump.com

WWS:cmb

Enclosures – Supplemental Information Disclosure Statement; Supplemental Form
PTO/SB/08A; and 4 cited references